



## PUBLIC NOTICE

US Army Corps  
of Engineers  
New York District  
Jacob K. Javits Federal Building  
New York, N.Y. 10278-0090  
ATTN: Regulatory Branch

### **In replying refer to:**

Public Notice Number: 2003-01387-L1  
Issue Date: May 3, 2004  
Expiration Date: June 3, 2004

#### **To Whom It May Concern:**

The New York District, Corps of Engineers has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

**APPLICANT:** Town of Shelter Island  
Department of Public Works  
12 South Ferry Road, PO Box 1000  
Shelter Island, NY 11964

**ACTIVITY:** Construct a bulkhead and dredge

**WATERWAY:** Dering Harbor, Gardiners Bay

**LOCATION:** Town of Shelter Island, Suffolk County, New York.

A detailed description and plans of the applicant's activity are enclosed to assist in your review.

The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE PREPARED IN WRITING AND MAILED TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE.** otherwise, it will be presumed that there are no objections to the activity.

Any person may request, in writing, before this public notice expires, that a public hearing be held to

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collect information necessary to consider this application. Requests for public hearings shall state, with particularity, the reasons why a public hearing should be held. It should be noted that information submitted by mail is considered just as carefully in the permit decision process and bears the same weight as that furnished at a public hearing.

Our preliminary determination is that the activity for which authorization is sought herein is not likely to affect any Federally endangered or threatened species or their critical habitat. However, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the District Engineer is consulting with the appropriate Federal agency to determine the presence of and potential impacts to listed species in the project area or their critical habitat.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). A complete description of the project is given in the attached Work Description. The District Engineer has made the preliminary determination that the site-specific adverse effects are not likely to be substantial. Further consultation with NMFS regarding EFH impacts and conservation recommendations is being conducted and will be concluded prior to the final decision.

Based upon a review of the latest published version of the National Register of Historic Places, there are no known sites eligible for, or included in, the Register within the permit area. Presently unknown archeological, scientific, prehistorical, or historical data may be lost by work accomplished under the required permit.

Reviews of activities pursuant to Section 404 of the Clean Water Act will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 (b) of the Clean Water Act and the applicant will obtain a water quality certificate or waiver from the appropriate state agency in accordance with Section 401 of the Clean Water Act prior to a permit decision.

Pursuant to Section 307 (c) of the Coastal Zone Management Act of 1972 as amended [16 U.S.C. 1456 (c)], for activities under consideration that are located within the coastal zone of a state which has a federally approved coastal zone management program, the applicant has certified in the permit application that the activity complies with, and will be conducted in a manner that is consistent with, the approved state coastal zone management program. By this public notice, we are requesting the state's concurrence with, objection to, or waiver of the applicant's certification. No permit decision will be made until one of these actions occur. For activities within the coastal zone of New York State, the applicant's certification and accompanying information is available from the Consistency Coordinator, New York State Department of State, Division of Coastal Resources and Waterfront Revitalization, Coastal Zone Management Program, 41 State Street, Albany, New York 12231, Telephone (518) 474-6000. Comments regarding the applicant's certification, and copies of any letters to this office commenting upon this proposal, should be so addressed.


In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

- New York State Department of Environmental Conservation
- Town of Shelter Island

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It is requested that you communicate the foregoing information concerning the activity to any persons known by you to be interested and who did not receive a copy of this notice. If you have any questions concerning this application, you may contact this office at (212) 264-3912 and ask for Russell C Smith.

For more information on New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>

  
Richard L. Tomer  
Chief, Regulatory Branch

Enclosures

**CENAN-OP-RE**  
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**WORK DESCRIPTION**

The applicant, Town of Shelter Island Department of Public Works, has requested Department of the Army authorization to replace an existing bulkhead and perform maintenance dredging in Dering Harbor, a tributary to Gardiners Bay, Town of Shelter Island, Suffolk County, New York.

The work would involve replacement of an existing approximately 68 foot long section of bulkhead. The existing bulkhead would be replaced with a vinyl sheathed bulkhead and would be installed within 24-inches the existing bulkhead.

The project would also involve maintenance dredging of 125 cubic yards of material from an approximately 1,200 square foot area to a maximum project depth of 4-feet below the plane of mean low water. Haybales and filter fabric would be used to prevent return flow into the adjacent waterway during the temporary storage of the dredged material upland of the bulkhead (parking lot). Approximately 25 cubic yards of dredged material would be used as backfill behind the replacement bulkhead. The remainder of the dredged material would be disposed off at a state-approved upland disposal facility.

The proposed work could have a minor adverse impact on Essential Fish Habitat (EFH) and efi-managed species as a result of a temporary increase in turbidity during construction. Although this may adversely affect the feeding success of some EFH-managed species or their prey, it is expected that fish populations would avoid the area of disturbance. Although the project involves discharge of fill into waters of the United States, the area of aquatic habitat that would be affected is minimal.

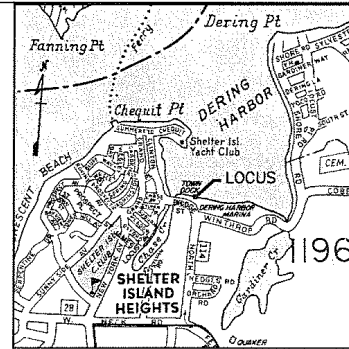
The stated purpose of this project is to provide the applicant with shoreline erosion protection and a safe mooring facility.

PROPERTY OWNERS

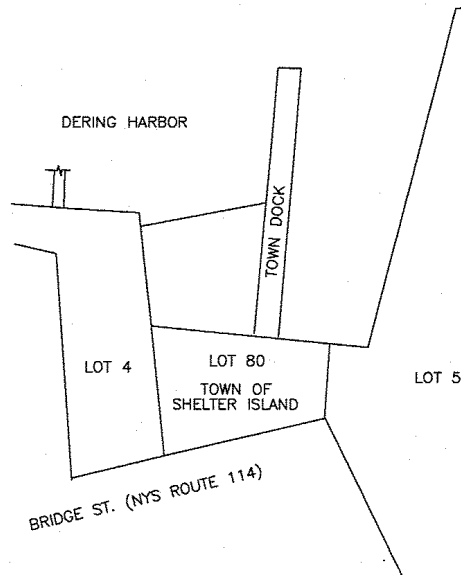
700-7-4-5  
ANGELO PICCOZZI &  
W. HOFFMANN  
PO BOX 3034  
SHELTER ISLAND HEIGHTS, NY 11965

700-7-7-80  
TOWN OF SHELTER ISLAND  
38 NORTH FERRY ROAD  
SHELTER ISLAND, NY 11964

700-7-7-4  
ANGELO PICCOZZI &  
W. HOFFMANN  
PO BOX 3034  
SHELTER ISLAND HEIGHTS, NY 11965



VICINITY MAP  
HAGSTROMS MAP OF SUFFOLK COUNTY  
MAP 26 GRID G45  
APPROX. SCALE 1"=3,000'



LOCATION MAP

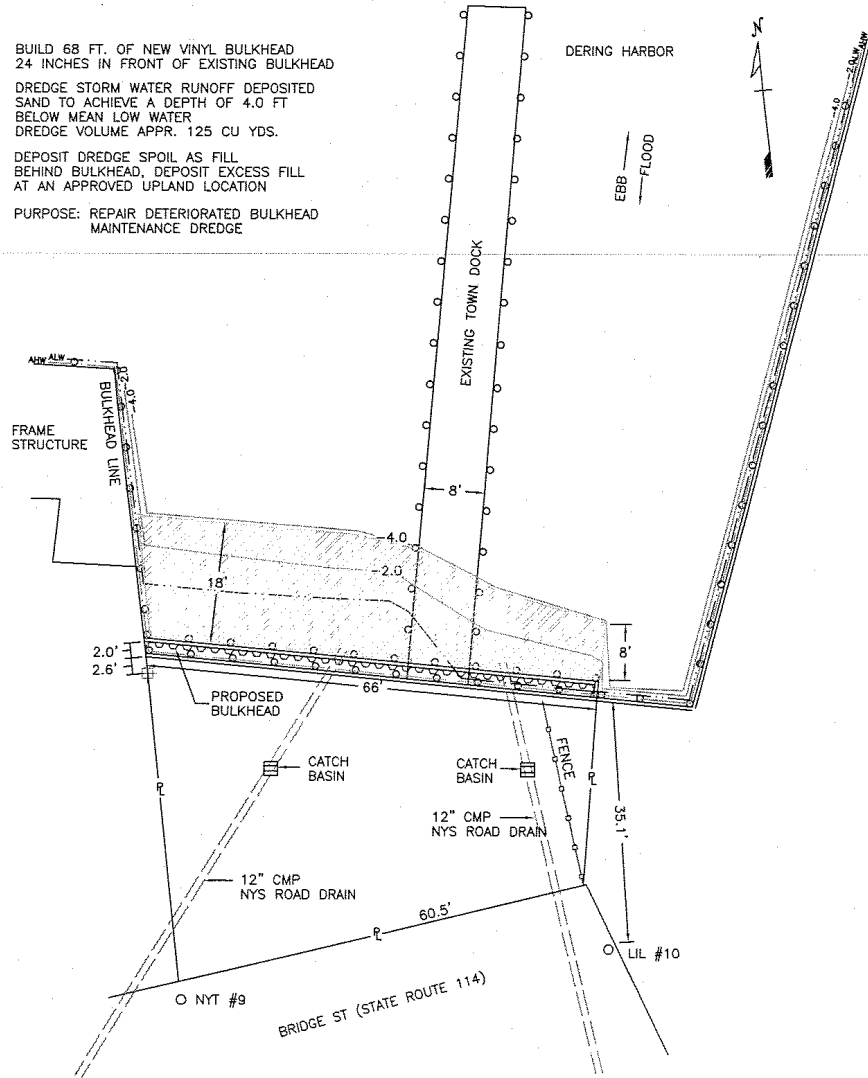
50 100  
SCALE 1"=50'

BULKHEAD CONSTRUCTION  
DERING HARBOR  
TOWN OF SHELTER ISLAND  
APPLICANT: TOWN OF SHELTER ISLAND  
SHEET 1 OF 3  
NOVEMBER 3, 2003  
DRAWN BY: D. CORWIN

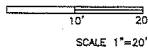
BUILD 68 FT. OF NEW VINYL BULKHEAD  
24 INCHES IN FRONT OF EXISTING BULKHEAD  
DREDGE STORM WATER RUNOFF DEPOSITED  
SAND TO ACHIEVE A DEPTH OF 4.0 FT  
BELOW MEAN LOW WATER  
DREDGE VOLUME APPR. 125 CU YDS.

DEPOSIT DREDGE SPOIL AS FILL  
BEHIND BULKHEAD. DEPOSIT EXCESS FILL  
AT AN APPROVED UPLAND LOCATION

PURPOSE: REPAIR DETERIORATED BULKHEAD  
MAINTENANCE DREDGE

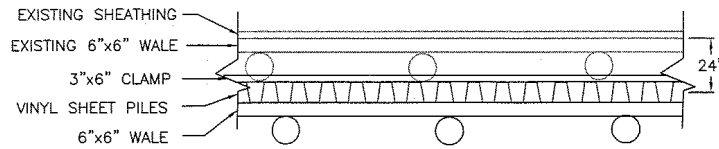


PLAN VIEW

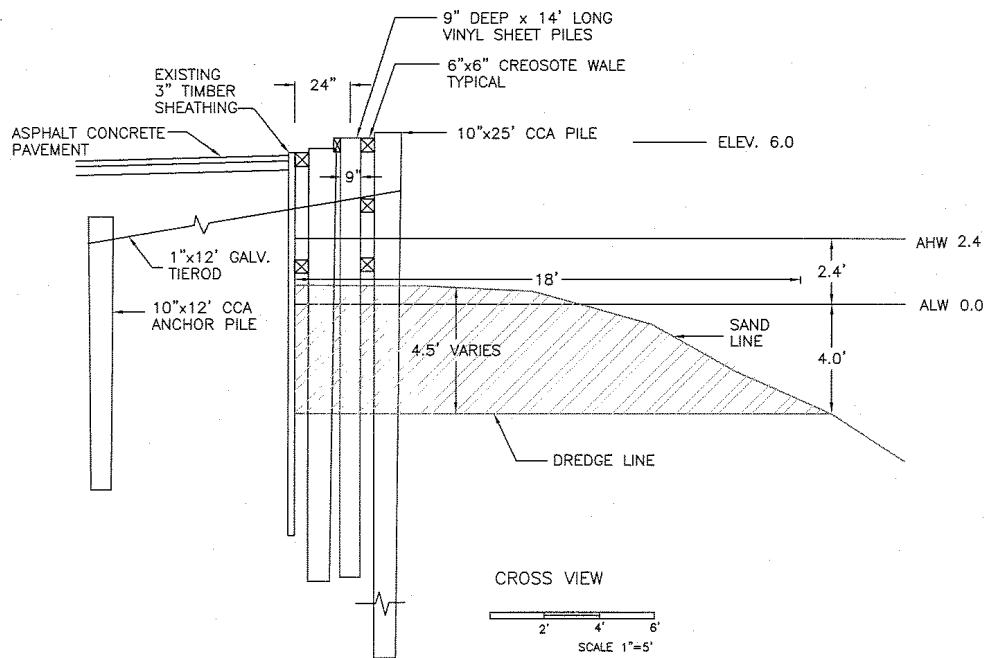


DREDGE AREA  
DATUM: MEAN LOW WATER  
 MONUMENT

BULKHEAD CONSTRUCTION  
DERING HARBOR  
TOWN OF SHELTER ISLAND  
APPLICANT: TOWN OF SHELTER ISLAND  
SHEET 2 OF 3  
NOVEMBER 3, 2003  
DRAWN BY: D. CORWIN



BULKHEAD TOP VIEW  
SCALE 1"=5'



DREDGE AREA

BULKHEAD CONSTRUCTION  
DERING HARBOR  
TOWN OF SHELTER ISLAND  
APPLICANT: TOWN OF SHELTER ISLAND  
SHEET 3 OF 3  
NOVEMBER 3, 2003  
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